IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.1241/07

P.P. Sharma **Versus** Kamlesh Pareek & Anr.

DATE OF ORDER :: 13/12/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Virendra Dave, for petitioner
Mr. M.K. Kaushik, for respondent
Mr. Arun Sharma, Public Prosecutor for State

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Instant petition has been filed by accused-petitioner who is facing trial for offence u/s.138 of Negotiable Instruments Act. His grievance is that notice which was served upon him and which has been exhibited by complainant along with complaint cheque number does not tally as such the same cannot be exhibited which was considered by learned trial Judge and after taking material on record dismissed the same by order impugned.

To verify the statement made by petitioner's counsel, this court on 21st August, 2007 desired to call for record and examined as to whether there is any error or interpolation made in the notice served upon him or which has been exhibited during the course of trial. It has not been disputed by petitioner at any stage that he is not drawer of the cheque for Pratibha Exports drawn on Bank of Rajasthan in favour of

complainant. Only error which appears to have been committed is that on the extreme left it denote cheque number and in middle of it its a computerized code of branch of the Bank and from reply filed by accused to the notice served dated 5th April, 2006 for reason best known in Para 3 of reply reference of cheque number has not been mentioned.

This court does not find any error committed by learned trial Judge in passing order impugned.

Consequently, the misc. petition fails and is hereby dismissed. Record be sent back to trial court forthwith who may decide the matter expeditiously in accordance with law.

[AJAY RASTOGI],J.